

116TH CONGRESS  
2D SESSION

# H. R. 8846

To authorize the imposition of sanctions on certain persons engaged in a pattern of significant theft of United States intellectual property, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. CHABOT introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the imposition of sanctions on certain persons engaged in a pattern of significant theft of United States intellectual property, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Accountability for Per-  
5 sistent Intellectual Property Theft Act”.

6 **SEC. 2. IMPOSITION OF SANCTIONS.**

7       (a) IN GENERAL.—The President shall impose the  
8 sanctions described in subsection (b) with respect to each

1 person described in subsection (c) the President deter-  
2 mines, on or after the date of the enactment of this Act,  
3 is knowingly engaging in a pattern of significant theft of  
4 the intellectual property of United States persons.

5 (b) SANCTIONS IMPOSED.—The sanctions described  
6 in this subsection are the following:

7 (1) ASSET BLOCKING.—The exercise of all pow-  
8 ers granted to the President by the International  
9 Emergency Economic Powers Act (50 U.S.C. 1701  
10 et seq.) to the extent necessary to block and prohibit  
11 all transactions in all property and interests in prop-  
12 erty of a person described in subsection (a) if such  
13 property and interests in property are in the United  
14 States, come within the United States, or are or  
15 come within the possession or control of a United  
16 States person.

17 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,  
18 OR PAROLE.—

19 (A) VISAS, ADMISSION, OR PAROLE.—An  
20 alien described in subsection (a) is—  
21 (i) inadmissible to the United States;  
22 (ii) ineligible to receive a visa or other  
23 documentation to enter the United States;  
24 and

1                                     (iii) otherwise ineligible to be admitted  
2                                     or paroled into the United States or to re-  
3                                     ceive any other benefit under the Immigra-  
4                                     tion and Nationality Act (8 U.S.C. 1101 et  
5                                     seq.).

6                                     (B) CURRENT VISAS REVOKED.—

7                                     (i) IN GENERAL.—The issuing con-  
8                                     sular officer, the Secretary of State, or the  
9                                     Secretary of Homeland Security (or a des-  
10                                  signee of one of such Secretaries) shall, in  
11                                  accordance with section 221(i) of the Im-  
12                                  migration and Nationality Act (8 U.S.C.  
13                                  1201(i)), revoke any visa or other entry  
14                                  documentation issued to an alien who the  
15                                  Secretary of State or the Secretary of  
16                                  Homeland Security (or a designee of one of  
17                                  such Secretaries) determines is described  
18                                  in subsection (a), regardless of when the  
19                                  visa or other documentation is issued.

20                                  (ii) EFFECT OF REVOCATION.—A rev-  
21                                  ocation under clause (i) shall take effect  
22                                  immediately and shall automatically cancel  
23                                  any other valid visa or entry documenta-  
24                                  tion that is in the alien's possession.

1                         (3) EXCEPTION TO COMPLY WITH UNITED NA-  
2                         TIONS HEADQUARTERS AGREEMENT.—The authority  
3                         to impose the sanctions described in paragraph  
4                         (2)(B) shall not apply to an alien if admitting the  
5                         alien into the United States is necessary to permit  
6                         the United States to comply with the Agreement re-  
7                         garding the Headquarters of the United Nations,  
8                         signed at Lake Success June 26, 1947, and entered  
9                         into force November 21, 1947, between the United  
10                        Nations and the United States, or other applicable  
11                        international obligations.

12                       (c) PERSONS DESCRIBED.—A person described in  
13                        this section is one of the following:

14                       (1) An individual who—  
15                                 (A) is a national of the People's Republic  
16                                 of China or acting at the direction of a national  
17                                 or entity of the People's Republic of China; and  
18                                 (B) is not a United States person.

19                       (2) An entity that is—  
20                                 (A) organized under the laws of the Peo-  
21                                 ple's Republic of China or of any jurisdiction  
22                                 within the People's Republic of China;  
23                                 (B) owned or controlled by individuals who  
24                                 are nationals of the People's Republic of China;  
25                                 or

1                   (C) owned or controlled by an entity de-  
2                   scribed in subparagraph (A) and is not a  
3                   United States person.

4                   (d) PENALTIES; IMPLEMENTATION.—

5                   (1) PENALTIES.—A person that violates, at-  
6                   tempts to violate, conspires to violate, or causes a  
7                   violation of subsection (a) or any regulation, license,  
8                   or order issued to carry out subsection (a) shall be  
9                   subject to the penalties set forth in subsections (b)  
10                  and (c) of section 206 of the International Emer-  
11                  gency Economic Powers Act (50 U.S.C. 1705) to the  
12                  same extent as a person that commits an unlawful  
13                  act described in subsection (a) of that section.

14                  (2) IMPLEMENTATION.—The President may ex-  
15                  ercise all authorities provided to the President under  
16                  sections 203 and 205 of the International Emer-  
17                  gency Economic Powers Act (50 U.S.C. 1702 and  
18                  1704) for purposes of carrying out this section.

19                  (e) REPORT REQUIRED.—

20                  (1) IN GENERAL.—Not later than 180 days  
21                  after the date of the enactment of this Act, the  
22                  President shall submit to the Committee on Foreign  
23                  Affairs of the House of Representatives and the  
24                  Committee on Foreign Relations of the Senate a re-  
25                  port that specifies each person the President deter-

1 mines meets the criteria described in subsection (a)  
2 for the imposition of sanctions.

3                     (2) TERMINATION OF SANCTIONS.—The Presi-  
4 dent may terminate sanctions imposed under sub-  
5 section (a) with respect to a person if the President  
6 certifies to the Committee on Foreign Affairs of the  
7 House of Representatives and the Committee on  
8 Foreign Relations of the Senate that such person is  
9 no longer engaging in efforts to steal United States  
10 intellectual property.

11                     (f) WAIVER.—The President may waive the imposi-  
12 tion of sanctions under subsection (a) on a case-by-case  
13 basis with respect to a person if the President—

14                         (1) certifies to the Committee on Foreign Af-  
15 fairs and the Committee on the Judiciary of the  
16 House of Representatives and the Committee on  
17 Foreign Relations and the Committee on the Judici-  
18 ary of the Senate that such waiver is in the national  
19 security interests of the United States; and

20                         (2) includes a justification for such certifi-  
21 cation.

22                     (g) DEFINITIONS.—In this Act:

23                         (1) ADMITTED; ALIEN.—The terms “admitted”  
24 and “alien” have the meanings given those terms in

1       section 101 of the Immigration and Nationality Act  
2       (8 U.S.C. 1101).

3                     (2) UNITED STATES PERSON.—The term  
4       “United States person” means—

5                         (A) an individual who is a United States  
6       citizen or an alien lawfully admitted for perma-  
7       nent residence to the United States; or

8                         (B) an entity organized under the laws of  
9       the United States or of any jurisdiction within  
10      the United States.

